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7 **IN THE UNITED STATES DISTRICT COURT FOR THE**
8 **EASTERN DISTRICT OF CALIFORNIA**
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10 **MIKE NELSON COMPANY, INC., a)** **CV F 05-0208 AWI DLB**
11 **California Corporation,** **)**
12 **Plaintiff,** **)** **ORDER TAKING DEFENDANT'S**
13 **v.** **)** **MOTION TO DISMISS AND**
14 **WESTON HATHAWAY, and DOES** **)** **MOTION FOR SANCTIONS**
15 **1 through 10,** **)** **UNDER SUBMISSION**
16 **Defendants.** **)**
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18 Defendant's motion to dismiss and for sanctions is pending in this action and is set for
19 hearing on Monday, December 19, 2005. The court has reviewed the moving papers and has
20 determined that this matter is suitable for decision without oral argument. Local Rule 78-230(h).

21 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of December
22 19, 2005, is VACATED, and the parties shall not appear at that time. As of December 19, 2005,
23 the Court will take the matter under submission and will thereafter issue its decision.

24 IT IS SO ORDERED.
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Dated: December 14, 2005
0m8i78

/s/ Anthony W. Ishii
UNITED STATES DISTRICT JUDGE